


01-R-1052

Entered - 06/11/01 - dp
CL01L0347 - DIANNE C. MITCHELL

CLAIM OF: **PIERRE THOMAS, a minor,**
through his attorney,
James E. Watkins
245 Country Club Drive
Building 300, Suite D
Stockbridge, Georgia 30281

For damages alleged to have been sustained as a result of a broken leg while attending school on April 9, 2001 at Margaret Harris High School.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0347

Date: June 20, 2001

Claimant /Victim PIERRE THOMAS, a minor
BY: (Atty) James E. Watkins
Address: 245 Country Club Drive, Building 300, Suite D, Stockbridge, Georgia 30281
Subrogation: Claim for Property damage \$ Bodily Injury \$ 5,000,000.00
Date of Notice: 06/04/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 04/09/01 Place: Margaret Harris High School
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his leg was broken by employees of the Margaret Harris High School. Margaret Harris High School is a part of the Atlanta Board of Education which is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised of the above and to pursue his claim directed with the Atlanta Board of Education.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

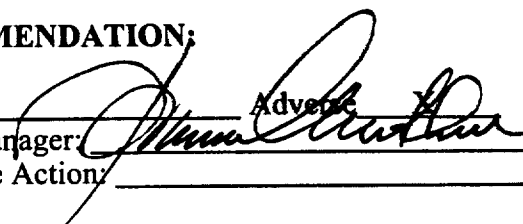
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 06-22-01
Committee Action: Council Action

FORM 23-6L

245 Country Club Drive
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Stockbridge, GA 30281
(678) 289-8628
Fax (678) 289-8240

James E. Watkins, Esq.
Attorney at Law

124 N. McDonough Street
Jonesboro, GA 30236
(770) 472-8600
Fax (770) 471-1760

May 30, 2001

ENTERED - 6-11-01 - DP
0110847 - DIANNE MITCHELL

State Of Georgia
Department of Administrative Services
200 Piedmont, Suite 1804, West Tower
Atlanta, GA 30303

City of Atlanta
Department of Administrative Services
68 Mitchell Street
Atlanta, GA 30303

DeKalb County
Department of Administrative Services
4380 Memorial Drive
Suite 200
Decatur, GA 30032

Fulton County
Department of Administrative Services
141 Pryor Street, SW
Atlanta, GA 30303

To: **State Of Georgia, City Of Atlanta, DeKalb County and Fulton County**

You are hereby notified that on April 9, 2001 between the hours of 7:20 A.M. and 1:00 P.M., Pierre Thomas (a 16 year old child, who suffers from cerebral palsy, is unable to speak or move on his own) was injured with a broken leg while at Margaret Harris High School, 1634 Knob Hill Dr. NE, Atlanta Georgia. The injury occurred as follows:

Monday, April 9, 2001, Angela Thomas, the mother of Pierre Thomas prepared him for school in her normal fashion and his leg was not broken.

Monday, April 9, 2001, bus driver Coela Sanders stated that Pierre made normal whining noises on the way to school. Later that same day his feeding tube came out of his person. Angela Thomas was called by the school staff at 1:00 P.M. and went to the school to replace the tube. She was unable to reinsert the tube. Whenever she touched his leg he would react and cry. He would not let his mother touch his leg. She had trouble with the child all during the night and gave him Tylenol.

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Commissioner's Office
JUN 04 2001
Department of
Administrative Services

Tuesday, April 10, 2001, bus driver Coela Sanders said that Pierre cried all the way to school. She reported it to the staff before she left the school.

Tuesday, April 10, 2001, Ms. Thomas called the school nurse Carol Ann Hubbel, she requested the school nurse to check his leg, who later confirmed that she was not aware that his leg was broken, but later found out that something was wrong. The school staff never called the mother to report this injury.

Tuesday, April 10, 2001, the child was taken to Dr. Robert Bruce. Dr Bruce gave him several medicines. He was given Tylenol with codeine and Valium, Valuporic acid and Baclofen. The child was over-medicated and almost died from the medications.

The extent of injury was as follows 4/9/2001 Pierre Thomas suffered a broken leg while in the custody of the above mentioned school. 4/12/2001 the child suffered respiratory arrest and pneumonia from medications from the doctor and/or his staff.

The injury was the result of negligence as follows: The staff of Margaret Harris High School negligently broke the leg of Pierre Thomas while in the custody of the school staff and as a result of said injury the child was near death.

As the result of said negligence and injury, Pierre Thomas suffered the following damages:

Special Damages: (a) Hospital charges, (b) Special nurses, (c) Drugs and medicines, (d) Physician's charges, (e) Loss of earnings, (f) Pain and suffering, (g) Loss of consortium, (h) Mental distress, (i) Future suffering, (j) General Damages and Compensatory Damages and (k) Defamation of Character.

This notice is made pursuant to O.C.G.A. § 36-33-5, and Plaintiff demands payment of his claim in the amount of \$5,000,000 Five Million Dollars. General Damages and Compensatory Damages of \$5,000,000 Five Million Dollars.

James Edward Watkins
ATTORNEY

JEW/md

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